

# **EXHIBIT E**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DB STRUCTURED PRODUCTS, INC.

Plaintiff,

-against-

INNOVATIVE MORTGAGE CAPITAL, LLC

Defendant.

**ECF CASE**

**07 Civ. 4099 (GBD)**

**DEFAULT JUDGMENT**

This action having been commenced on May 25, 2007 by the filing of the Complaint, and a copy of the (i) Complaint; (ii) Summons; (iii) Statement Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure; (iv) Civil Cover Sheet; (v) Individual Practices of Judge George B. Daniels; (vi) Individual Practices of Magistrate Judge Theodore H. Katz; (vii) 3<sup>rd</sup> Amended Instructions For Filing An Electronic Case or Appeal; (viii) Procedures for Electronic Case Filing; and (ix) Guidelines for Electronic Case Filing being properly served on Defendant on June 16, 2007 by personally serving Defendant's registered agent, Sean Byerly, 949 Santa Ana St., Laguna Beach, CA 92651, and a proof of service having been filed with the Clerk of the Court on July 9, 2007 and the Defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is

**ORDERED** that Plaintiff have judgment against Defendant in the liquidated amount of \$786,332.65 with interest at \$144.46 per diem from 04/19/07 through 08/22/07 amounting to \$18,201.96, and attorneys' fees and costs in the amount of \$11,898.20, amounting in all to \$816,432.81; and it is further

**ORDERED** that within thirty (30) days following payment in full of the amount awarded by this Default Judgment, Plaintiff shall return to Defendant the Mortgage Loans<sup>1</sup> as set forth in the Purchase Agreement.

Dated: New York, New York

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**United States District Judge**

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<sup>1</sup> Capitalized terms not defined herein shall have the meaning ascribed to such terms in the Complaint.